

REMARKS/ARGUMENTS

Claims 1 and 3-32 are currently pending in this application.

Claim 32 is rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

Claim 32 recites that "the one or more messages are transmitted separately from the client files including the particular one of the interactive components." Support for this limitation is found in various portions of Applicant's specification. For example, page 5, lines 21-25 of the specification states that "[b]efore an episode, the system of the present invention allows a broadcaster to develop interactive content and to send that content to a user's hardware device using the Internet infrastructure. During the episode, the broadcaster can send messages using available communication protocol to control the content being displayed, including both content sent before the broadcast and content created during the broadcast." Thus, it follows that if the interactive content is transmitted before the messages controlling the display of such interactive content, the messages are transmitted separately from the interactive content. Page 8, lines 17-19 of the specification also states that "the polls can be queue for display such that the server effectively sends a message requesting the next poll question or next trivia question for other component, in which case the next one is displayed."

Exemplary interactive content downloaded in advance to the client device are client episode files 120 relating to a specific episode of a program being shown, such as, for example, fun facts, trivia questions, or other items that can be accessed. (Specification, p. 6, lines 19-21). According to one embodiment, such content is generated by a content tool 600. (Specification p. 11, lines 23-26).

The specification further describes a technical director 510 which includes an interface to generate new content and/or trigger the display of content inserted before the event using the content tool. (Specification p. 14, lines 1-5). The technical director interface includes buttons that depict both content created with the content tool as well as content created in real-time via the technical director. (See, FIG. 6; Specification p. 14, lines 1-13). These buttons are used to

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trigger the content depicted by the buttons. (Specification p. 14, lines 14-15). If content was created in real-time during a broadcast event, that event is sent to the event participant during the broadcast. (Specification p. 14, lines 13-14).

Accordingly, there is ample support in the specification for claim 32. Withdrawal of the rejection under 35 U.S.C. 112, first paragraph, is respectfully requested.

Claims 1 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Newnam (U.S. Publication No. 2002/0133562). A Petition to Correct Inventorship is being concurrently filed today to add Douglas T. Neumann as an inventor. A copy of the Petition and associated documents are enclosed for the Examiner's reference. Applicant also submits herewith a Rule 132 Declaration of Izet Fraanje declaring that the presently claimed invention disclosed but not claimed in U.S. Publication No. 2002/0133562 was derived from the inventors of this application (as corrected by the Petition to Correct Inventorship) and thus is not an invention by another. Accordingly, Applicant respectfully requests that the rejection based on U.S. Publication No. 2002/0133562 be withdrawn.

Claims 1 and 3-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valdez, Jr. (U.S. Patent No. 6,426,778) in view of Park et al. (U.S. Patent No. 6,460,180) and further in view of Pearson et al. (U.S. Pub. No. 2002/0162117). Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valez, Park and Pearson and further in view of what was well known in the art. Applicant respectfully traverses these rejections.

The Examiner acknowledges that Valdez does not disclose "client files to be provided to remote clients prior to the broadcast event," and that the message sent from a server to the client "triggers display of a plurality particular one of the interactive components on the remote clients during the interactive event." Instead, Valdez discloses an editing system to create, edit, and preview interactive program information. In this regard, the editing system includes a graphical user interface which allows the placement of interactive programming elements by dragging and dropping icon representations of the elements onto a timeline. (Col. 19, lines 2-9). The dragging and dropping of the icon representations, however, is performed during the creation or editing of the interactive content, and simply sets the timing of the programming elements. The dragging

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and dropping of the icon representations does not cause the editing system to "transmit[] . . . one or more of the messages that triggers display of the particular one of the interactive components on the remote clients during the interactive event." The Examiner, however, relies on Park to make up for this deficiency.

Park discloses that triggers may be broadcast along with a television video to identify resources and indicate how the information from the resource should display. (See, Abstract). A particular trigger may, for example, cause web content to be displayed on a screen of the receiver unit along with the television video. (Col. 3, lines 44-47). In one embodiment, an icon for an enhancement afforded by a trigger appears on the screen of the receiver unit. The associated enhancement is displayed only if the viewer selects the icon. (Col. 4, lines 30-36). Park also discloses "auto triggers" that cause enhancements to be displayed automatically without the user having to select an icon or take other action. (Col. 4, lines 36-39).

Park's teachings, however, fail to make up for the deficiency in Valdez. Despite Park's teachings, a person of skill in the art would have no reason to modify Valdez' editing system so that the dragging and dropping of icon representations in Valdez causes Valdez's editing system to transmit triggers like the ones disclosed in Park. In fact, doing so would defeat the function of Valdez's editing system, which is to allow a user to confidently create and edit interactive content and schedule such content on a timeline without the risk of such content actually being sent to the remote clients. The actual transmission of the interactive content and associated triggers is instead handled by Valdez via a separate playback system 311 which is invoked after the creating and editing is completed. (See, Col. 22, lines 18-39). Nothing in Valdez teaches or suggests that this playback system 311 is equipped with the claimed "graphical user interface . . . displaying . . . a representation of the interactive components that are to be displayed during the interactive event."

The Examiner acknowledges that the combination of Valdez and Park does not disclose that client files are provided to remove clients prior to the broadcast event. However, relies on Pearson's teaching that content is pre-stored in local memory to make up for this deficiency. Applicant respectfully submits that a person of skill in the art would have no reason to pre-store

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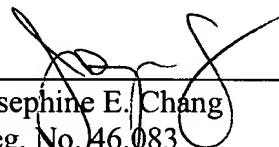
the same interactive content that is manipulated by Valdez' editing system into the remote clients because once such contents are pre-stored, no more editing would be possible. Thus, it would not be obvious to modify Valdez' editing system based on the teachings of Pearson. Accordingly, claim 1 is in condition for allowance.

Claim 23 includes limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 23 is also in condition for allowance.

Claims 2, 3-22, and 24-32 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 1 and 3-32 are respectfully requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Josephine E. Chang
Reg. No. 46,083
626/795-9900

Encl. Rule 132 Declaration
Copy of Petition to Correct Inventorship

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